

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>JERRY LEON MASON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 15-CV-167-GKF-TLW</b>
	)	
<b>TRACY McCOLLUM, Warden,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

This is a 28 U.S.C. § 2254 habeas corpus action. Petitioner is a state inmate appearing pro se. On April 16, 2015, Petitioner filed an amended petition (Dkt. # 3). On June 26, 2015, Respondent filed a response (Dkt. # 11). Petitioner filed a reply (Dkt. # 12).

This case has been fully briefed and remains pending. The amended petition has not been dismissed. Nonetheless, on February 11, 2016, Petitioner filed a largely unintelligible document (Dkt. # 13), requesting “rehearing because case was dismiss[ed] without prejudice,” *id.* at 2, and stating his “intent to appeal to: Tenth Circuit Court of Appeals in the United States,” *id.* at 3. Conspicuously absent from the request for rehearing is a designation of an order to be reheard. Similarly, absent from the “notice of intent to appeal” is a designation of “the judgment, order, or part thereof being appealed.” See Fed. R. App. P. 3(c)(1)(B). Because the amended petition remains pending and has not been dismissed, Petitioner’s request for rehearing is improperly filed. For that reason, the motion for rehearing is denied.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Petitioner’s motion for rehearing (Dkt. # 13) is improperly filed and is **denied**.

**DATED** this 17th day of February, 2016.

Gregory K. Frizzell  
GREGORY K. FRIZZELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT